

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

PATRICK McGAIL,

Petitioner, : Case No. 3:17-cv-251

- vs -

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

JEFFREY B. NOBLE, Warden,
London Correctional Institution,

:
Respondent.

REPORT AND RECOMMENDATIONS

This habeas corpus case is before the Court on Notice of Hearing]filed by The Honorable Stacy M. Wall, Judge of the Miami County Court of Common Pleas(ECF No. 27). Judge Wall reports that, pursuant to this Court's Conditional Writ of Habeas Corpus, Petitioner Patrick McGail has been given an evidentiary hearing on the "narrow issue of jury misconduct" on January 25, 2019, within the ninety days required by the conditional writ. Judge Wall further reports that the parties have stipulated that the Common Pleas Court's obligations under the writ have been satisfied.

It is accordingly respectfully recommended that the Conditional Writ be DISSOLVED.

The Clerk shall forward a copy of this Report to Judge Wall.

January 31, 2019.

s/ *Michael R. Merz*
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).